

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 34687

STATE OF IDAHO,	)	2008 Unpublished Opinion No. 466
	)	
Plaintiff-Respondent,	)	Filed: May 15, 2008
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
BRIAN LEE CHANCE,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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Appeal from the District Court of the Third Judicial District, State of Idaho, Washington County. Hon. Stephen W. Drescher, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Elizabeth A. Allred, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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PER CURIAM

Brian Lee Chance pled guilty to rape. I.C. § 18-6101(1). In exchange for his guilty plea, eleven additional counts were dismissed. The district court sentenced Chance to a unified term of seven years, with a minimum period of confinement of three years. Chance filed an I.C.R 35 motion, which the district court denied. Chance appeals.

A motion for reduction of sentence under I.C.R. 35 is essentially a plea for leniency, addressed to the sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or additional information subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007). Upon review of the record, including the new information submitted with Chance's Rule 35 motion, we conclude no

abuse of discretion has been shown. Therefore, the district court's order denying Chance's Rule 35 motion is affirmed.